

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

Application No. 12280 of Exxon Company, U.S.A., pursuant to Sub-sections 8207.2 and 8207.11 of the Zoning Regulations, for a special exception and area variance from Sub-section 5101.41 and 5101.41(a). Specifically, applicant seeks permission to construct an enlarged gasoline service station upon a site occupied by an existing service station; and to allow its construction within twenty-five (25) feet of a residential zone, at the 4501 Benning Road, N.E. (Lots 836 and 837, Square 5085).

HEARING DATE: January 19, 1977

DECISION DATE: February 8, 1977

FINDINGS OF FACT:

1. The proposed site for the construction of a gasoline service station is located in a C-1 district and abuts an R-5-A district (Lot 840, Square 5085).

2. The property has been utilized as a gasoline service station site since 1956.

3. The site is bounded by East Capitol Street in the south, Benning Road, N.E. in the east, a public alley in the north, and lot 840 in the west.

4. Ingress and egress are provided by ramps on Benning Road, N.E. and East Capitol Street. No entrances or exits are located within 25 feet of a residential district or a street intersection.

5. Applicant proposes to construct an installation consisting of three gasoline storage tanks, three concrete pump islands with six self-service gasoline pumps and overhead canopy, and a prefabricated kiosk housing restrooms and dispensing oil and other related products. No grease pits or hoists are to be constructed.

6. Four parking spaces adjacent to the kiosk are provided to allow patrons to vacate the service islands and utilize the services provided by the kiosk.

7. Applicant proposes to construct the kiosk immediately adjacent to lot 840 which is in a R-5-A district.

8. Applicant is the contract owner of lot 840 which slopes ten (10) to fifteen (15) feet downward from its western border to its eastern border abutting the proposed site and a like slope from its northern border to its southern border abutting East Capitol Street. As such, the lot would be difficult to develop as a residential property.

9. Applicant proposes to erect a chain link fence $7\frac{1}{2}$ feet to the rear of the kiosk on lot 840 and proposes to seed, landscape and maintain lot 840.

10. Applicant's proposed use of lot 840 would result in a buffer of at least 100 feet from lot 841, the next most adjacent residential lot.

11. The proposed site for the service station installation narrows markedly from its frontage on Benning Road, N.E. to a width of 80 feet where it adjoins lot 840.

12. Location of the kiosk at any other area on the site would result in either an impaired traffic circulation by patrons or would interfere with the turning radius of the tank trucks servicing the station.

13. The D.C. Department of Transportation has not opposed the application. The D.C. Municipal Planning Office recommended granting the special exception necessary to allow erection of the proposed installation. However, it opposed the granting of the area variance required by the placement of the kiosk on the grounds that alternative placements were available. No consideration, however, was given to the required turning radius of the tank trucks and the location of the overhead canopies in formulating this recommendation.

14. There was no public opposition to the application.

CONCLUSIONS OF LAW AND OPINION

The applicant's proposed installation requires the granting of a special exception pursuant to Sub-section 5101.41 and Article 74. The Board concludes from the site's long standing use as a service station and applicant's proposed installation that

the granting of the special exception will neither adversely affect neighboring uses nor interfere with the traffic flow along Benning Road, N.E. and East Capitol Street. The Board further concludes that the special exception is in harmony with the area's zoning scheme. The Board further concludes that applicant's proposed installation meets the requirements of Section 7403. Applicant's proposed installation also requires an area variance to permit the construction of its kiosk within 25 feet of a residential area. The Board concludes that due to the irregular shape of the proposed site together with the limitations on use of the adjacent residential property, a practical difficulty is present justifying an area variance. The Board further concludes that the granting of this variance will not adversely affect the neighborhood. It is therefore ORDERED that this application for a special exception and area variance be GRANTED subject to the following conditions:

- (1) The applicant shall, concurrently with its other construction, erect a chain link or similar fence on lot 840 at the rear of the kiosk.
- (2) The remaining area of lot 840 shall be seeded, landscaped and maintained by applicant in good condition and free of refuse or debris as soon as weather permits.
- (3) No construction or development of any kind, exclusive of the above, shall be made on lot 840 without application of the Board. The Board reserves the right to direct revocation of the special exception upon a proper showing that any terms or conditions of this order have been violated.

VOTE OF : 4-0 (William F. McIntosh, Lilla Burt Cummings, Esq.,
Richard L. Stanton, Leonard L. McCants, Esq.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



ARTHUR B. HATTON
Secretary to the Board

Application No. 12280
Page No. 4

FINAL DATE OF ORDER: 8-31-77

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.